



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

**MINUTES**

**State Fire Safety Board Meeting**

Bureau of Fire Services – Conference Room B  
3101 Technology Blvd., Suite H, Lansing, MI 48910  
Thursday, December 5, 2019  
1:00 p.m.

**MEMBERS PRESENT:**

Julie Bulson, Representing Hospital Administrators  
Steven Densmore, Representing Fire Departments in the Lower Peninsula  
Jeffery Green, Representing Fire Departments in the Upper Peninsula (via conference call)  
Lindsey Haley, Representing Owners of Adult Foster Care Facilities  
Kenneth Herbart, Chair, Representing Registered Architects  
Mark Jensen, Representing the Liquefied Petroleum and Flammable Compressed Gas Industry  
Tina Kerr, Representing School Board Administrators/Members (via conference call)  
Paul Korte, Representing the Nursing Home Industry  
Andrew Marceau, Representing Fire Departments in the Lower Peninsula  
Jeramie Morris, Representing the Chemical Manufacturing Industry  
Patrick Phelan, Representing the Professional Engineers  
Michael Powers, Representing the Licensed Electrical Contractors  
Dylan Rogers, Representing Places of Public Assemblage  
Ron Sabin, Vice Chairperson, Representing Fire Departments in the Lower Peninsula  
Kevin Sehlmeier, State Fire Marshal/Director, Ex-Officio Member  
Robert Williams, Representing the Building Trades

**MEMBERS ABSENT:**

Kenneth Letts, Representing the Flammable Liquids Industry

**OTHER BUREAU ATTENDEES:**

Hollie Metts, LARA/BFS, Executive Secretary

**OTHERS IN ATTENDANCE:**

Robert Meagher, Certified Fire Protection Specialist  
Kristi Deiphouse, Spectrum Health

**I. CALL TO ORDER AND DETERMINATION OF QUORUM:**

The State Fire Safety Board meeting was called to order at 1:04 p.m. Chairman Kenneth Herbart asked all in attendance to stand for the Pledge of Allegiance. Following the Pledge of Allegiance, Chairman Herbart advised of the emergency exiting procedures and roll call

was taken by executive secretary, Hollie Metts. A quorum was determined present. The Chairman welcomed all attendees.

**II. REVIEW AND APPROVAL OF THE AGENDA:**

**19-12-01**

A **MOTION** was made by **Board Member Williams** and seconded by **Board Member Marceau** to approve the meeting agenda for December 5, 2019, as presented. **MOTION CARRIED.**

**III. REVIEW AND APPROVAL OF MINUTES:**

**19-12-02**

A **MOTION** was made by **Board Member Marceau** and seconded by **Board Member Sabin** to approve the minutes from the October 17, 2019 meeting. **MOTION CARRIED.**

**IV. PUBLIC COMMENT:**

**Robert Meagher, Certified Fire Protection Specialist:** Mr. Meagher thanked Board Members Williams, Sabin and Densmore for their comments regarding the incident that occurred on September 23, 2019 at East Side Detroit Elderly located at 12801 Mack Avenue in Detroit, Michigan. Mr. Meagher provided a water supply analysis handout and advised the board of water supply impairments and past and present testing practices.

**V. STATE FIRE MARSHAL'S REPORT:**

**a) Update on Fireworks Appeals:** Fire Marshal Sehlmeier provided an update on the status of the fireworks appeals that came before the board.

- Citation #19-00001 – No action has been taken since the board's decision was issued.
- Citation #19-00012 – An appeal has been submitted to the Michigan Office of Administrative Hearings and Rules, the third step in the appeal process.
- Citation #19-00028 – The fine was paid after the board's decision was issued.

**b) Update on MI Prevention:** Fire Marshal Sehlmeier reported out on the progress of the smoke alarm/carbon monoxide detector installation program. He encouraged all board members to check on their family members this holiday season and make sure they have working alarms/detectors in their home. The Fire Marshal also shared that the FEMA Fire Prevention Grant has been extended until January 15, 2020, and that the bureau hopes to fund the program manager's position, which is currently grant funded. The Fire Marshal then presented Board Members Marceau and Williams with a challenge coin for their work with MI Prevention.

**c) Update on Fire Fatalities:** The Fire Marshal reported that to date, there have been a total of 95 residential fatal fire fatalities in 2019 (down 21% from this time last year).

**d) Update on the East Side Detroit Elderly Incident:** The Fire Marshal added that the cause of the fire at East Side Detroit Elderly is currently listed as "undetermined" and that the fire investigation is ongoing. The board further discussed the incident. The Fire Marshal shared that the action Mr. Meagher is looking for would require legislative

changes. He added that while the State Fire Marshal's office and the State Fire Safety Board do not have the ability to start that legislation, perhaps another group (i.e. another fire service group, insurance industry, etc.) could help with the legislative process. Mr. Meagher feels the fire code is supposed to be enforced and that impairments are in the fire code. The Fire Marshal stated the local fire code is enforced by the local authority having jurisdiction.

**VI. LEGISLATIVE UPDATE:**

None.

**VII. UNFINISHED BUSINESS:**

None.

**VIII. NEW BUSINESS:**

a) **Appeals of Modification Denials:** Chairman Herbart provided a summary of the two appeal hearings held prior to the regular meeting.

**1. Appeal Number: 2019-01**

**Project Number:** 2019BFS004100 - Modification Denial

**Facility:** Novi Senior Living Facility, 42400 W. 12 Mile Road, Novi, MI

**Appellant:** Larry Farris, CBO, BKV Group

**Issue:** Should the State Fire Safety Board overrule the Bureau of Fire Services by granting variance to Section 18.3.2.1 of the NFPA 101, 2012 Edition, related to boiler and fuel-fired heater rooms? Section 18.3.2.1 states any hazardous room shall be protected in accordance with Section 8.7, and the area described in Table 18.3.2.1 shall be protected as indicated. Table 18.3.2.1 requires a 1-hour minimum fire resistance rated protection/separation of boiler and fuel-fired heater rooms. This is a new facility that is being built. A memory care unit occupies a portion of the first floor. The rest of the facility is essentially senior living. In question was the heating and cooling units in the senior living rooms. The bureau viewed the heating and cooling units as hazardous fuel-fired units. The design team disagrees and is seeking a modification to not have to put in dampers.

**2. Appeal Number: 2019-02**

**Project Number:** 2019BFS003003 - Modification Denial

**Facility:** DSISD Pre-Engineering Room Renovation

**Appellant:** Daniel Block, PE, Dynamic Design Group, Inc.

**Issue:** Should the State Fire Safety Board overrule the Bureau of Fire Services by granting variance to Section 14.2.11.1.1? Section 14.2.11.1.1 states in part that every room or space which is more than 250 square feet, and which is used for classroom or other educational purpose, shall have at least one (1) outside window. The project is complete, and the facility is currently occupied and operating. The area in question is an existing room with shop type equipment in it on one side. On the other there is a seating area for the students. To better organize the classroom a wall was essentially added parallel to the outside wall creating an internal room. The design team submit plans electronically to the Bureau of Construction Codes when the new electronic plan submittals system was implemented. They

misunderstood the approval they received from the Bureau of Construction Codes and assumed the project was also approved by the Bureau of Fire Services.

Roll call votes were taken.

Chairman Herbart called the first appeal, 2019-01, to order at 2:12 p.m. The board was asked to either uphold the decision made by the Bureau of Fire Services or overrule the bureau's decision and ruled in favor of the appellant.

Board Member Bulson – Overrule  
Board Member Densmore – Overrule  
Board Member Green – NA (participating via conference call)  
Board Member Haley – Overrule  
Chairman Herbart – Overrule  
Board Member Kerr – NA (participating via conference call)  
Board Member Jensen – Overrule  
Board Member Korte – Overrule  
Board Member Letts - Absent  
Board Member Marceau – Overrule  
Board Member Morris – Overrule  
Board Member Phelan – Overrule  
Board Member Powers – Overrule  
Board Member Rogers – Overrule  
Board Member Sabin – Overrule  
Fire Marshal Sehlmeier - Abstain  
Board Member Williams – Overrule

Total Votes: Overrule 13, Abstention 1, Uphold 0. The board ruled in favor of the appellant and overruled the bureau's decision. The appeal adjourned at 2:17 p.m.

Chairman Herbart called the second appeal, 2019-02, to order at 2:19 p.m. The board was asked to either uphold the decision made by the Bureau of Fire Services or overrule the bureau's decision and rule in favor of the appellant.

Board Member Bulson – Uphold  
Board Member Densmore – Uphold  
Board Member Green – NA (participating via conference call)  
Board Member Haley – Uphold  
Chairman Herbart – Uphold  
Board Member Kerr – NA (participating via conference call)  
Board Member Jensen – Uphold  
Board Member Korte – Uphold  
Board Member Letts - Absent  
Board Member Marceau – Uphold  
Board Member Morris – Uphold  
Board Member Phelan – Uphold  
Board Member Powers – Uphold  
Board Member Rogers – Uphold  
Board Member Sabin – Uphold  
Fire Marshal Sehlmeier - Abstain  
Board Member Williams – Uphold

Total Votes: Uphold 13, Abstention 1, Overrule 0. The board ruled in favor of the Bureau of Fire Services and the appeal is denied. The appeal adjourned at 2:21 p.m.

Both appellants will be notified in writing of the board's decision.

**IX. STATE FIRE SAFETY BOARD COMMENT:**

**Fire Marshal Sehlmeier** advised that the following board member's terms will expire on July 15, 2020: Bulson, Green, Jensen, Morris, Powers, and Sabin. For those interested in reapplying to the board, please do so by June 1, 2020. Hollie Metts will send the link to reapply.

**Chairman Herbart** wished everyone a safe and happy holiday season.

**X. ADJOURNMENT AND NEXT MEETING:**

**19-12-03**

A **MOTION** was made by **Board Member Williams** and seconded by **Board Member Jensen** to adjourn the meeting. **MOTION CARRIED.** The meeting adjourned at 2:23 p.m.

The next meeting is scheduled for 1:00 p.m. on January 16, 2020, at the Bureau of Fire Services located at 3101 Technology Blvd., Suite H, Lansing, MI 48910.

**APPROVED:**

  
State Fire Safety Board Chairman

6/22/2020  
Date:

KENNETH R. HERBART  
Printed Name of the State Fire Safety Board Chairman